

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
3 CHARLOTTE DIVISION
4 CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC
5

6 CPI SECURITY SYSTEMS,)
7 INC.,)

8 Plaintiff and Counterclaim)
9 Defendant,)

10 v.)

11 VIVINT SMART HOME, INC.)
12 f/k/a Mosaic Acquisition)
13 Corp.; and LEGACY VIVINT)
14 SMART HOME, INC. f/k/a)
15 Vivint Smart Home, Inc.,)

16 Defendants and)
17 Counterclaimants.)

18 Zoom Video Deposition of JOHGRE HINTON
19 (Taken by the Plaintiff and Defendants)
20 Knightdale, North Carolina
21 Friday, August 20, 2021
22
23

24 Job No. CS4749807

25 Reported by: Marisa Munoz-Vourakis -
RMR, CRR and Notary Public

1 APPEARANCE OF COUNSEL BY ZOOM:

2 For the Plaintiff and Counterclaim Defendant:

3 CHARLES C. EBLEN, ESQ.

4 Shook, Hardy & Bacon L.L.P.

5 2555 Grand Boulevard

6 Kansas City, MO 64108-2613

7 816-474-6550

8 ceblen@shb.com

9
10 For the Defendants and Counterclaimants:

11 MATTHEW A. STEWARD, ESQ.

12 Clyde Snow & Sessions

13 201 S. Main Street, Suite 1300

14 Salt Lake City, UT 84111

15 mas@clydesnow.com

16 -and-

17 GREGORY W. HERBERT, ESQ.

18 Greenberg Traurig P.A.

19 450 S. Orange Avenue, Suite 650

20 Orlando, FL 32801

21 407-420-1000

22 herbertg@gtlaw.com

23 Also Present by Zoom: DELISHA HINTON

24 Also Present by Zoom: DeANDRAE SHIVERS, Videographer

25

000

Zoom Video Deposition of JOHGRE HINTON,
taken by the Plaintiff and Defendants, at Knightdale,
North Carolina, on the 20th day of August, 2021 at 1:01
p.m., before Marisa Munoz-Vourakis, Registered Merit
Reporter, Certified Realtime Reporter and Notary Public.

I N D E X

Examination of: Page

JOHGRE HINTON

EXAMINATION BY MR. EBLEN 5

EXAMINATION BY MR. STEWARD 22

FURTHER EXAMINATION BY MR. EBLEN 87

FURTHER EXAMINATION BY MR. STEWARD 90

DEPOSITION EXHIBITS

EXHIBIT NUMBER DESCRIPTION PAGE

Exhibit 2 Mr. Hinton's LinkedIn profile 27
page

Exhibit 3 Bates number CPI 242 54

Exhibit 4 Vivint contract 55

Exhibit 5 Bates number 244 66

Exhibit 6 CPI monthly charge sheet 77

1 Carolina State University, civil engineer. I have a
2 master in business administration from the University
3 of North Carolina, Chapel Hill.

4 Q. What kind of work are you in?

5 A. I am a manager over a couple of different
6 engineering, engineering technology groups for the
7 local utility company.

8 Q. All right. Drawing your attention now back
9 to your relationship that you had with CPI, for how
10 long did you have a contract with CPI?

11 A. My contract with CPI was for 60 months,
12 five years. It started in June of 2015.

13 Q. Were you pleased with your product and
14 service that you had with CPI?

15 A. Yes, we were pleased with the service.

16 Q. Did you have any problems with CPI?

17 A. There was no problems with CPI.

18 Q. All right. And as I understand it,
19 sometime around November of 2018, did you have some
20 interactions with a representative from Vivint?

21 MR. STEWARD: Objection, leading.

22 BY MR. EBLEN:

23 Q. You can answer.

24 A. So our first interaction with Vivint we
25 were at the BJ's, which is the local wholesale store.

1 Vivint was in the store. They had representatives in
2 the store and they stopped us. We had a conversation.
3 They told us how we could save money with -- you know,
4 that kind of sparked our interest from there.

5 Later on, they had a representative to come
6 out to the house where we could talk more in detail
7 about what they would offer and the cost of the
8 service.

9 Q. Tell me everything that you remember about
10 your interaction with the Vivint representatives in
11 BJ's?

12 A. So in BJ's it was just, you know, regular
13 day of -- regular shopping trip. They were in there.
14 We've seen signs, but you never really, you know,
15 looked at it or had any interest of switching companies
16 at the time. We were satisfied with our service.

17 They asked who our current security service
18 provider was and informed them it was CPI, and then
19 they told us that, you know, they could probably beat
20 their rates.

21 Q. At the time you met with the Vivint
22 representatives in BJ's, did either of them make any
23 sort of representation that they had an affiliation
24 with CPI?

25 MR. STEWARD: Objection, leading.

1 A. So I don't recall if in the store they said
2 that, you know, they had any affiliation. It was later
3 when a Vivint representative was in our home is when
4 those -- the conversations that they had affiliation
5 with CPI came up.

6 Q. Okay. So fast forward when the Vivint rep
7 came out to your home, do you recall about how much
8 time past before the rep came to your home?

9 A. It was when we got home. Our typical
10 grocery shopping is like three hours. So from the time
11 we're shopping, you know, get back home, put the
12 groceries away. So it was probably about two hours
13 maybe that -- if that.

14 Q. It was the same day though?

15 A. It was the same day, yes.

16 Q. Was it one of the same representatives who
17 was in the store or a different person?

18 A. No, it was a different representative.
19 They probably wouldn't have been able to get more
20 customers if the person from the store came to the
21 house.

22 Q. Do you remember the name of the gentleman
23 who came to your house, or was it a woman or a man?

24 A. It was a male. His name is Craig.

25 Q. Do you know Craig's last name?

1 A. Craig Darrow.

2 Q. And when the Vivint representative Craig
3 came to your home, tell us what all he represented to
4 you about Vivint?

5 A. Well, he basically told in addition -- I
6 don't know if it's relevant or not -- but when he was
7 telling us that they could save us some money, my
8 mother, she didn't have a -- at the time she didn't
9 have a service, a security service. So I invited her
10 over to the house. So basically it was a sales pitch
11 coming to two customers at a time.

12 So with, you know, going through that, he
13 basically was telling us how we didn't have to pay for
14 additional equipment, because they could just take over
15 the equipment here at the house. And that kind of made
16 me question like how are you able to -- how is a
17 different company able to take over another company's
18 equipment? And that's when he started to allude that,
19 you know, they were working together.

20 Q. You said he alluded to them working
21 together. Tell us specifically what all you remember
22 the Vivint representative saying about any relationship
23 with CPI?

24 MR. STEWARD: Objection to form.

25 Mr. Hinton, I apologize, I periodically am

1 going to make an objection to the form of
2 the question, and I apologize, I know that
3 interrupts you, but unless you're instructed
4 not to answer, which is very unlikely to
5 happen, go ahead and answer the question
6 after I've made the objection.

7 Does that make sense?

8 THE WITNESS: Yes.

9 MR. STEWARD: Thank you.

10 A. You want to repeat the question or?

11 Q. Yeah, sure. I can repeat it for you.

12 So tell us everything you recall about your
13 conversation with the Vivint representative about CPI
14 having any relationship with Vivint?

15 MR. STEWARD: Objection to form.

16 Go ahead, Mr. Hinton.

17 A. So when he was saying that he didn't have
18 to install any new equipment, because he could
19 basically take over the equipment that they have, he
20 was saying that CPI's equipment was older, but it was
21 of the same version of what Vivint would install, and
22 that, you know from there, it was like so are you a
23 partnership? Are you working together? And he was
24 like you know, like yes, you know, we kind of work
25 together, and things of that nature. No clear answer

1 and direction, but still, still kind of iffy and things
2 of that nature. Ran it by my wife. She, you know, was
3 still comfortable with it, so we proceeded at that
4 time.

5 Q. On that day, based on what you just
6 described, did you have the impression that there was
7 some sort of a connection between CPI and Vivint?

8 A. Yeah, so from not getting clear answers,
9 and then just when I think of security, I think of this
10 one company is the only person that has access to their
11 equipment. I don't think of well, this one company and
12 any other security company who wants access to their
13 equipment can have access to it. To me that's just an
14 uncomfortable feeling.

15 So, you know, those are the questions that
16 I was asking trying to get clarity around that, and
17 then that's when he eventually was basically like oh,
18 yeah, we're one in the same and left it at that.

19 Q. Did you find out later whether or not that
20 representation was true?

21 A. Yeah, found out through -- it was around
22 June of last year when we found out that representation
23 was not true. There was some additional charges that I
24 was -- that was on my credit card. And basically, I
25 guess up front, Vivint was giving us the difference of

1 MR. EBLIN: Object to form.

2 BY MR. STEWARD:

3 Q. Go ahead.

4 A. I really didn't know what to believe. I
5 know one, he was already able to take over the
6 equipment. So that's why I thought, you know, if one
7 company is able to take over another company's
8 equipment, that they must be one in the same as far as
9 companies. But he just informed me that, you know,
10 companies take over each other equipment all the time.
11 I didn't know that prior to when that conversation with
12 me and Craig was going on.

13 Q. Okay. And Craig clearly identified himself
14 as being there on behalf of the company Vivint, right?

15 A. I believe so, yes.

16 Q. He likely had a hat and a shirt that had
17 Vivint on it. Do you recall that?

18 A. I don't recall -- I think he did have a hat
19 on, but, yeah, I know he had the shirt on.

20 Q. And probably had some of the orange
21 coloring that you referenced with respect --

22 A. Yeah, I think it just had the word Vivint.

23 Q. Vivint in orange?

24 A. In orange, yeah.

25 Q. Okay. Nothing on his person suggested he

1 was there on behalf of CPI, right?

2 A. No, nothing, nothing on his person.

3 Q. Okay. Okay. That's helpful.

4 He never said that he was an employee or
5 that he worked for CPI, did he?

6 A. No, he never said those words, no.

7 Q. And he didn't say that he was a partner of
8 CPI, did he?

9 A. He didn't say those words. Like I said,
10 the only words that, you know, made me allude to, you
11 know, think that they were one in the same is those
12 exact words he said, you know, were one in the same.
13 It was reference to a company or just equipment.

14 Q. Or just equipment, okay perfect.

15 A. Just was hey, get out -- because, I mean,
16 if you come to my house to do some work, I'm going
17 to -- I'm walking around with you. So I'm asking
18 questions. I don't know if it was just to get me out
19 of his way so he can go on about his day.

20 Q. I understand. You were interested in kind
21 of the capability of the equipment. It sounds like it
22 was a surprise to you that one company could use
23 another company's, at least some of their equipment, if
24 it was compatible, right?

25 A. Correct.

1 Q. And the panel, for instance, was obviously
2 not compatible, because they had to put a Vivint panel
3 in there to control the Vivint doorbell cam, right, or
4 to monitor the Vivint doorbell cam, right?

5 A. Correct.

6 Q. Okay. Oh, yeah, let's go to -- oh, was
7 your wife home when Craig visited you at your home?

8 A. Yes.

9 Q. And was she part of these conversations?
10 Were you both interacting with Craig?

11 A. I was more engaging with Craig, you know,
12 but still getting her input, making sure that she was,
13 you know, trying to see if she was comfortable with
14 things. Like I said, my mother was there as well,
15 because she was, you know, always think, you know
16 because -- I mean, it sound good from when we were in
17 the store, so we wanted her to hear it as well and get
18 a system on her home.

19 Q. Did she ultimately get a system?

20 A. My mother?

21 Q. Yeah.

22 A. Yes.

23 Q. And that was a Vivint system?

24 A. Yes.

25 Q. And do you know was Craig the sales rep for